

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

March 28, 2013

The Regular Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room.

It was confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Roll Call:

Members present were Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Minkoff, Mr. Siburn, Mr. Sullivan and Mr. Delia. Mr. Boyer and Mrs. Granholm were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

CARRIED TO APRIL 11, 2013:

App. #18-12: Jack Silverman Realty & Mortgage Co., LLC (as successor in interest to original applicant, Berkley Realty Partners 244, LLC), 240-264 Springfield Avenue, Block 801, Lots 23 & 24 (R-15 & HB2 Zones) Seeking variances and site plan approval for a children's daycare facility and multi-tenant building, both facing Springfield Avenue. Approval for a prior plan had been granted in a Resolution dated July 22, 2010.

Mr. Bussiculo announced that this application has been carried to April 11, 2013.

Applications for Review:

App. #3-13: Lou & Mary Mastria, 94 Briarwood Drive East, Block 803, Lot 14 (R-15 Zone)

Proposed deck on a corner lot does not conform to the principal front yard setback requirement of 50' (existing: 25.90'; proposed: 30.45'). The deck will be attached to the principal dwelling along the Ridgewood Place street front. Relief is needed from Section 6.1.1B, "Schedule of General Regulations" and Section 8.1.1B, "Expanding a nonconforming structure is prohibited."

A patio made of pavers will also be added (which will not increase impervious coverage).

Louis Mastria was sworn and stated that he is proposing to put a deck on his house. The house is on a corner lot and requires two front yard setbacks. There is no way to build the deck without encroaching on the Ridgewood side of the property. They were before the Board in 2008 for another project and obtained permission to go to 25' from the property line. The proposed deck will be 32' away. That project has been completed.

Mr. Mastria presented Exhibits A-2 through A-5 – photographs showing views of the house from Ridgewood Place, the location of the proposed deck inside the right angle of the house, and the view from their neighbor's backyard.

In response to questions from the Board, Mr. Mastria said he would be agreeable to additional plantings that would screen the view of the deck from the neighbor. The shed was relocated as required in the approval granted in 2008 and there was a drainage plan implemented as part of that approval. The footings for the deck would not compromise any pipes.

Discussion took place regarding the drainage and the existing condition of water spilling out onto Ridgewood Place. Mr. Mastria agreed that he would have no objection to having the sump pump discharge into the drainage system and he will discuss the drainage with the Township Engineer.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

A motion was made by Mr. Sullivan, seconded by Mr. Miller, to approve Application #3-13: Lou & Mary Mastria, 94 Briarwood Drive East, Block 803, Lot 14 (R-15 Zone), subject to the standard conditions, including the standard deck conditions, that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting. The voice vote was unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Minkoff, Mr. Siburn, Mr. Sullivan and Mr. Delia voting in favor. There were none opposed.

App. #5-13: Brian Radano, 120 River Bend Road, Block 1006, Lot 13 (R-15 Zone)

Proposed storage room (lean-to structure), 20.5' x 8' x 9.5' high, will be attached to the house. Relief is needed from Section 6.1.1B, "Schedule of General Regulations" and Section 8.1.1B, "Nonconforming Buildings and Uses" for: 1) principal front-yard setback: required 50'; proposed lean-to structure: 49.' 2) Combined side-yard setback: required 30', existing 29.9,' proposed: 21.35.' The proposed side-yard setback where the structure is to be added will be 7.3' off the side property line. 3) Building coverage: allowed 15%, existing 14.74%, proposed 16.12%. Existing, nonconforming issues are lot area, lot width, principal front-yard setback and combined side-yard setback.

Mr. and Mrs. Radano were sworn and stated that they are seeking a variance and proposing to build a storage unit on the side of the house. The variance is needed for side yard setback.

Mr. Siburn noted that he visited the house and noticed a drainpipe visible from the street. He also asked if there is another area to put the storage unit since it is very close to the other house.

Mr. Radano stated that the drainpipe was installed about three years ago. If this plan is approved and the storage unit built he plans to bring in top soil and plantings. The neighbor now has a view of the backyard and garage. This will be closer but it will look nicer.

Mr. Delia said he also went to see the property and can understand why they don't want to put a shed in the back of the property.

In response to questions regarding drainage, Mr. Radano stated that he met with the Township Engineer and installed a dry well that was approved by him.

It was suggested that the unit be reduced to 6'. Mr. Radano stated that he would like 8' but would be willing to reduce it to 6'. He stated that the intent for the storage unit is for storage of the kids' toys. The finish will match the existing siding and there will be no water or heat in the unit.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

A motion was made by Mr. Delia, seconded by Mr. Siburn, to approve Application #5-13: Brian Radano, 120 River Bend Road, Block 1006, Lot 13 (R-15 Zone) subject to the standard conditions that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting. The applicant should have new plans prepared and submitted to the zoning officer to change from 8' to 6' prior to issuance of a building permit. The voice vote was unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Minkoff, Mr. Siburn, Mr. Sullivan and Mr. Delia voting in favor. There were none opposed.

Adoption of Resolutions:

App. #26-12: Ilya Shlakman, 525 Springfield Avenue, Block 611, Lot 7 (HB-3 Zone)

The Board has determined that the gasoline service station is a valid prior nonconforming use and structure. The applicant is requesting permission to make certain improvements to the property which require variance relief. The applicant requests waiver of formal site plan application or alternatively waiver of certain site plan requirements. The applicant has submitted a two-page application and five plans.

A motion was made by Mr. Miller, seconded by Mr. Smith, to adopt the above Resolution. The voice vote was unanimous with Mr. Bussiculo, Mr. Miller, Mr. Smith, Mr. Minkoff, Mr. Sullivan and Mr. Delia voting in favor.

Adoption of Minutes:

March 14, 2013

A motion was made by Mr. Siburn, seconded by Mr. Miller, and carried by unanimous voice vote to adopt the minutes of the March 14, 2013 Conference Meeting as presented.

Board Discussion

Mr. Bernstein reviewed the issues to be discussed at the April 11 meeting with regard to the Silverman application including overflow parking and permitted tenant uses.

Mr. Bussiculo advised that the Board members present at the last meeting felt it was not proper to make a ruling without the public being present and without notice to the public.

Adjournment:

A motion was made by Mr. Siburn, seconded by Mr. Miller, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:30 PM.

Regina Giardina, Secretary Pro Tem